

## 363 York Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	February 3, 2025
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-20

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit the development of car club.

This report is presented by Wendy Kaufman, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Anin Holdings Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "I", Institutional to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PINs 73589-0837 & 73589-0229, Parcels 34632 & 35036, Parts 1 and 2, Plan SR-2084, Parts 1-3, Plan 53R-17787, Lot 7, Concession 2, Township of McKim, as outlined in the report entitled "363 York Street, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 3, 2025, subject to the following conditions:

1. That the amending by-law includes the following site-specific provisions:
  - a) That the only permitted use shall be a 'Car Club'.
  - b) That a 'Car Club' be defined herein as a 'building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use'.
  - c) That a minimum of 60 parking spaces be provided.
  - d) That a 3.0-metre wide planting strip be required along any lot line abutting a Residential Zone, where a minimum 5.0-metre wide planting strip is required.
  - e) That parking areas be permitted within 3.0-metres of a Residential Zone, where 4.5-metres is required.
  - f) All lot lines shall be deemed to be interior side lot lines.

## Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of compact, complete communities.

## **Financial Implications**

If approved, staff are unable to estimate taxation revenues as any change in assessment value of the building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

## **Report Overview:**

An application for rezoning has been submitted in order to permit the existing building to be developed as a Car Club to be defined as a building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

# Staff Report

## Proposal:

An application for rezoning has been submitted in order to permit the existing building to be developed as a Car Club to be defined as a building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use.

The existing building has a gross floor area of approximately 2300 sq m, and was previously used as an industrial laundry facility and owned by Sudbury Hospital Services until 2020.

The following materials were submitted in support of the application:

- Covering Memorandum
- Concept Plan prepared by TULLOCH
- Renderings and Floor Plans by Belanger Salach Architecture
- Planning Justification Report
- Draft Zoning By-Law
- Easement Confirmation for Servicing (LT509914) and Right of Way (LT270784)

The Planning Justification Report describes the Car Club as a unique blend of luxury car storage and social club tailored for automotive enthusiasts via a private membership structure. Members of the club will pay a fee to store their vehicles in the climate-controlled building. The building will also include an area for car washing and detailing, as well as recreational amenities like pool tables, race simulators, and golf simulators. Lastly, the building would also operate as a venue space which could be rented for private events such as holiday parties, with the capacity to hold up to 200 attendees. The Concept Plan illustrates the planned development of the site which will include the redevelopment of the existing building, driveway and parking areas with new landscaping and paving. The renderings and floor plan illustrate how the exterior and interior of the building are intended to look.

## **Existing Zoning:** "I", Institutional

Institutional zoning permits residential uses in the form of a group home or special needs facility. Permitted non-residential uses include carnivals, cemetery, day care centre, institutional use, library, museum, park, private club, recreation and community centre, refreshment pavilion, restaurant. Some of these uses are subject to special provisions.

## **Requested Zoning:** "M1(S)", Mixed Light Industrial/Service Commercial Special

(i) That the only permitted use shall be a 'Car Club'.

(ii) That a 'Car Club' be defined herein as a 'building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use'.

(iii) That a minimum of 60 parking spaces be provided.

(iv) That a 3.0-metre wide planting strip be required along any lot line abutting a Residential Zone.

(v) That parking areas be permitted within 3.0-metres of a Residential Zone.

### **Location and Site Description:**

The lands are legally described as PINs 73589-0837 & 73589-0229, Parcels 34632 & 35036, Parts 1 and 2, Plan SR-2084, Parts 1-3, Plan 53R-17787, Lot 7, Concession 2, Township of McKim. The total area of the subject parcel is approximately 1 hectares in size. The subject lands are located on the south side of York Street, approximately 150 m southwest of the intersection of York Street and Regent Street. The lands have no road frontage and are accessible via an easement over adjacent lands known as 865 Regent (Health Sciences North, formerly Sudbury Memorial Hospital), and which continues west through the site to provide access to the Belrock Masonic Temple Corporation. The lands are currently serviced with municipal water and sanitary sewer, and a transit stop is located at the Health Sciences North Outpatient Centre to the east.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North:	low density residential use fronting on York Street
East and south:	lands zoned institutional (Health Sciences North)
West:	lands zoned institutional to permit a mix of residential, office and assembly hall use (Belrock Masonic Temple Corporation)

The Location Map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the institutional uses adjacent to the property, and the residential uses fronting on York Street in this area.

### **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on September 26, 2024. The statutory notice of the public hearing was provided by newspaper on January 11, 2025, along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on January 9, 2025.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

As of the date of this report, staff had received two general inquires and one complaint about site alteration and vegetation removal at the property.

### **Policy & Regulatory Framework:**

The property is subject to the following policy and regulatory framework:

- [2024 Provincial Planning Statement \(PPS\):](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Planning Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

## **Provincial Planning Statement (PPS):**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Planning Statement. A number of policies are relevant to the application.

### 2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

### 2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and
- e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

### 2.8.2 Employment Areas

1. Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.

## **Growth Plan for Northern Ontario (GPNO):**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and is satisfied that the applications conform to and do not conflict with the Growth Plan for Northern Ontario.

## **Official Plan for the City of Greater Sudbury:**

The subject property is designated Institutional in the Official Plan for the City of Greater Sudbury.

Section 1.3.2 of the Official Plan regarding Economic Development acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets, and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Policy 4.4(3) states that rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions will be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed uses;
- c. for conversion to residential uses, the appropriateness of the proposed density; and
- d. the policies of Sections 2.3.2 (Settlement Areas), 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

Policy 11.3.2(1) states that Urban design and community development that facilitate the provision of public transit will be promoted.

Section 14 establishes the following objectives of the urban design policies:

- a. encourage well designed and high quality communities, neighbourhoods and public realm;
- b. encourage well designed and high quality development and intensification;
- c. promote an environment that is accessible, safe, sustainable and climate change resilient;

### **Zoning By-law 2010-100Z:**

Table 8.2 establishes that in the "M1", Mixed Light Industrial/Service Commercial zone, the minimum setback from a residential zone is 9.0 m, and a minimum of 3.0 m is required on one side of the lot. The maximum height is 12.0 m. The maximum lot coverage is 50%. A 5.0 m wide planting strip is required to be provided along a residential zone. Accessory outdoor storage is permitted in a rear or interior side yard and is required to be screened by opaque fencing a minimum of 2.2 m in height. Parking is permitted to be located within 4.5 m of a residential zone. Special Provision #17 establishes that no building, structure or open storage area either associated with, or pertaining to an automotive body shop shall be established or erected closer than 150 m to a residential zone.

### **Site Plan Control:**

A site plan control agreement is required prior to development of the lands.

### **Department/Agency Review:**

Transit has no concerns regarding this matter.

Infrastructure Capital Planning advises that there are no concerns based on their area of interest, and Drainage Section advises that it appears the adjacent properties are privately owned. It is unclear if Easement LT509914 includes stormwater sewer servicing. An easement or drainage agreement may be required with the adjacent property owner(s) to outlet surface water and/or a storm sewer on their property during the site plan control phase.

Development Engineering advises this site is presently serviced with municipal water or sanitary sewer. There are no objections provided that the development proceeds by way of Site Plan Control.

Building Services advises of no objections subject to the following advisory comments:

- A Building Permit to the satisfaction of the Chief Building Official will be required for all proposed construction / renovation work.
- Building Services reserves further comments upon review of Permit documents and Site Plan Control Agreement submission.

Conservation Sudbury has no objection. The subject property does not appear to have any features regulated by Conservation Sudbury.

Leisure Services advises that if there are any parkland dedication requirements as a result of the development, the City would be seeking cash-in-lieu of parkland.

## **Planning Analysis:**

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

An application for rezoning has been submitted in order to permit the existing building to be developed as a Car Club to be defined as a building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use.

The application is consistent with the PPS and conforms with Official Plan policies that acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide employment opportunities for a diversified economic base.

The subject lands are within a fully-serviced settlement area. The applications align with the PPS as well as Official Plan section 1.3.2 regarding directing development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure. The applications will enable the efficient use of the existing building and services to the site.

The application proposes to define a Car Club as including washing or detailing of motor vehicles. The applicant is advised that Table 8.2, Special Provision #17 will continue to apply and which establishes that no building, structure or open storage area either associated with, or pertaining to an automotive body shop shall be established or erected closer than 150 m to a residential zone. As such, no painting or repairing of motor vehicle bodies, exterior, or undercarriage is permitted.

The requested zoning by-law amendment includes a provision that a minimum of 60 parking spaces be provided. The zoning by-law does not establish a parking rate for a 'car club' since this is a use that is being defined in the context of the current application. The Planning Justification Report provides a parking calculation based on the uses that comprise the car club with 41 spaces required for typical operations and 50 spaces required for special events. Staff recommends the requested minimum of 60 parking spaces is appropriate for the proposed use.

The general provisions applicable to industrial zones require a 5.0 m planting strip and a 4.5 m parking setback from a residential zone. The application proposes a 3.0-metre wide planting strip and parking setback. Staff is satisfied that 3.0 m is sufficient and will provide for flexibility in the development of the site.

Staff recommend an additional zone provision that all lot lines shall be deemed to be interior side lot lines, for clarity in applying the zone standards.

The rezoning application meets the specific considerations listed in policy 4.4(3) of the Official Plan regarding the conversion of surplus institutional buildings or properties:

- The lands have not been identified as being needed for public uses.
- The proposed use is considered to be compatible with the surrounding uses. The site is large enough to accommodate the proposed uses and the required parking. Residential uses to the north and west are separated from the subject lands due to elevation/topography in this location, and a 3.0 m planting strip and 3.0 m parking setback is required adjacent to the low density residential zone to the north.
- Since a non-residential use is proposed, the consideration of density is not relevant to this application.

- Considerations related to accessibility and heritage resources are not relevant to this application. The lands are located within a fully serviced settlement area with a public transit stop available on the adjacent property to the east. Site design matters will be further addressed through the site plan control agreement process, and the applicant has provided conceptual building renderings that illustrate the proposed built form, which is expected to compliment the commercial character of this area in alignment with the urban design objectives of Section 14.7 of the Official Plan.

## **Conclusion:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site-specific zoning by-law:

- To rezone the lands from “I”, Institutional to “M1(S)”, Mixed Light Industrial/Service Commercial Special, to permit the development of a Car Club to be defined as a building or part thereof that is used by persons for the indoor display, storage, washing or detailing of motor vehicles, and may include an office used for administrative purposes, recreational facilities and amenities, a dining room, or a banquet hall that are accessory to the main use.

The development of the subject lands achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- There are no identified servicing constraints and the traffic increase can be accommodated. Adequate on-site parking can be provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.